9/6/06
P.h ... (13 Anupam Dubey)
Pres... dated 13/12/06

SINGLE BENCH

C.S. 1001

(2)

IN THE HIGH COURT OF CHHATTISGARH, JUDICATURE AT BILASPUR

Writ Petition No. 2525 */2006*

Petitioner : Makhan Pal, Son of Shri Babu Nandan Pal, Aged about 47 years, Technical Assistant, Posted at Chhattisgarh Handicraft Development Board, Ambikapur, Chhattisgarh.

Versus

Respondents

State of Chhattisgarh, through Secretary, Department of Industries / Gramodyog Mantralaya, D.K.S. Bhawan, Raipur, Chhattisgarh.

2. Managing Director, Chhattisgarh Handicraft Development Board, Raipur, Chhattisgarh.

3. General Manager, Chhattisgarh Handicraft Development Board, Raipur, Chhattisgarh

4. Shri Dilip Hedau, Manager, Chhattisgarh Khadi Gramodyog Board (Handicraft Cell) Raipur, Chhattisgarh.

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WRIT PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(89)

आदेश पत्रक

मामला क्रमांक WP No. 2525/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	11.5.2006 Shri Anupam Dubey, Advocate for the petitioners. Shri Satish Gupta, Dy. Govt.Adv. for the State. Heard. The petitioner, who is working as Technical Assistant in the C.G. Handicraft Development Board, Ambikapur, has preferred this writ petition with a prayer to direct the respondents not to promote respondent No.4 on the post of General Manager, as the enquiry in respect of forged caste certificate is pending against him before the High Level Enquiry Committee. The case of the petitioner is that he is posted as Technical Assistant in C.G. Handicraft Development Board, Ambikapur and respondent No.4 is posted as Manager in C.G. Khadi Gramudyog Board (Handicraft Cell), Raipur. The petitioner as well as other staff members has made a complaint to respondent No.2 to the effect that respondent No.4 is working in the department on the basis of forged caste certificate, therefore, he should be removed from the present place of posting. On 10.6.2004 one Shri Mahipal Singh Dhurve, Member Secretary wrote a letter to the Joint Secretary, Govt. of C.G. and requested to provide caste certificates of the officers against whom enquiry is pending. On 22.6.2004 Special Secretary, Gramudyog Department issued a letter to the Director, Gram Udyog/Hath Karga, Raipur and directed him not to promote the officers against whom an enquiry regarding forged caste certificate is pending. On 23.6.2005 it has been published in Hindi Daily Haribhumi that some officers are indulged in forged certificate and	

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P 2525 सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

inquiry is pending against them. As respondent No.2 is likely to promote respondent No.4 on the post of General Manager to provide undue advantage inspite of pendency of inquiry against him, therefore, respondent No.2 be directed not to promote him.

In the first instance, the petitioner has not been able to show that how his legal right is effected if respondent No.4 is considered for promotion and moreover, it is for the concerned authority to take into account all the allegations and personal record of the concerned officer and thereafter to consider the promotion of particular officer. No such writ can be issued prohibiting the competent authority from considering any officer for promotion. Therefore, the petition is devoid of any merit, as the same lacks in material particulars, same is liable to be dismissed and it is hereby dismissed.

Consequently; M.(W.)P. No.1893/06 & I.A. No.4943/06 also stand dismissed.

Sd/-
L.C. Bhadoo
Judge

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